IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10376 OF 2004

Union of India and anr. ..Petitioners

Versus

A.R. Gundale ...Respondent

Mr. Vinay Masurkar for the petitioners.
Mr. S.S. Karkera for the respondent.

CORAM: **V.G. PALSHIKAR, Ag. C.J., &**
V.M. KANADE, J.

DATE: **JULY 28, 2006**.

P.C.

By this petition, the petitioners have challenged the order dated 14th June, 2004, passed by the Central Administrative Tribunal in Original Application No. 900 of 2003, whereby the communication dated 6th November, 2003, reverting the respondent was quashed.

2. The respondent claimed that his reversion is wrong because his promotion to the post of Assistant Supervisor by order dated 14th January, 2003 was proper. He relied on the Rules framed in this regard by the petitioners. The claim is that he is entitled to be promoted to the post of Assistant Supervisor because he is an industrial workman

with requisite experience in requisite grade. Factually, at the time when the respondent was considered for employment, he was working as a Head Checker. What were the duties of a Head Checker and what functions he was required to perform are not gone into by the Tribunal. The Rules which apply to the matter of promotion are not considered. The entire order of the Tribunal is, therefore, vitiated as it has misdirected itself on the question of application of the concerned Rule to the facts as presented by the petitioners. Interest of justice, therefore, requires that the impugned will have to be set aside and the matter is required to be remitted back to the Tribunal to decide all questions raised in accordance with law. We order accordingly. Let this be done preferably within six months. Petition is accordingly disposed of.